

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA	)	CASE NO. 1:18CR00750
	)	
Plaintiff,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
vs.	)	
	)	
CHARLES URBAN	)	<b><u>MOTION FOR IMMEDIATE RELEASE</u></b>
	)	<b><u>DUE TO DANGER FROM</u></b>
	)	<b><u>CORONAVIRUS</u></b>
Defendant	)	
	)	

COMES NOW, the Defendant herein, Charles Urban, by and through the undersigned counsel, and moves this Honorable Court to order his immediate release to home detention due to the substantial risk to himself and the community from the current COVID-19 pandemic. In support of the motion, Mr. Urban states the following.

The Bail Reform Act provides for the temporary release of inmates in custody “to the extent that the judicial officer determines such release to be necessary for preparation of the person’s defense or for another compelling reason.” 18 U.S.C. §3142(i). Further, the passage of the Bail Reform Act of 1984 “did not . . . signal congressional intent to incarcerate wholesale the category of accused persons awaiting trial.” United States v. Orta, 760 F.2d 887, 890 (8<sup>th</sup> Cir. 1985). Although Mr. Urban is not awaiting trial, he contends that the Bail Reform Act did not intend him to await sentencing while under the threat of imminent illness and death from a virus. Under 18 U.S.C. §3142(f), the judicial officer in a case has the authority to re-open a bail proceeding at any time. Mr. Urban submits that the health risk to himself and the community is incredibly heightened in this pandemic given the conditions in the local jails, where it is impossible to practice safe social distancing and proper hygiene. This state of affairs necessitates

temporary release on bail until this pandemic has ended.

Moreover, state courts are releasing non-violent criminal inmates, including those in Cleveland, and the federal government should follow suit. See [https://www.wdrb.com/news/crime-reports/us-starts-to-release-inmates-due-to-coronavirus-outbreak/article\\_114cb9ac-6ab3-11ea-a928-f3cffe6f1fec.html](https://www.wdrb.com/news/crime-reports/us-starts-to-release-inmates-due-to-coronavirus-outbreak/article_114cb9ac-6ab3-11ea-a928-f3cffe6f1fec.html); <https://www.yahoo.com/lifestyle/jail-inmates-fearful-virus-argue-043711286.html>. Mr. Urban submits that he as yet have not pled guilty to the drug related offense he is charged with in the government indictment; which is a non-violent offense. Neither the agreed upon applicable Guidelines put forth in the plea agreement offer in this case nor the stipulated facts underlying this case contain references to firearm possession. Further, Mr. Urban's contemplated offense level base on the parties plea agreement would potentially make him eligible for probation or with the amount of time he's been in custody time served. Mr. Urban has been incarcerated since October 31, 2018.

**WHEREFORE**, in consideration of the foregoing, Mr. Urban respectfully prays that this Court issue an Order granting his release on bond.

Respectfully submitted,

/s/ Donald Butler

---

DONALD BUTLER, 0005968  
Attorney for the Defendant  
1220 West 6<sup>th</sup> Street, Suite 203  
Cleveland, Ohio 44113  
Tel. (216) 621-7260  
butdon@aol.com

**CERTIFICATE OF SERVICE**

I hereby certify that on 30<sup>th</sup> day of March, 2020, a copy of the Motion for Immediate Release Due to Danger from Coronavirus filed electronically, Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/Donald Butler

---

Donald Butler, 0005968  
Attorney for Defendant  
1220 W. Sixth Street, Suite 203  
Cleveland, OH 44113  
(216) 621-7260